

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Relative to its 5:30 PM, December 20, 2018 meeting agenda and notice, the Town of Sandwich Board of Selectmen lists an Executive Session under Item Number 2 pertaining to two separate matters. The Second matter simply states the following: Purpose 3: Collective Bargaining Strategy.

This description of the executive session topic was not sufficiently specific to properly inform the public of what would be discussed during said Executive Session.

A public body may enter executive session for any of ten enumerated purposes. G.L. c. 30A, § 21(a). Before entering into executive session, the chair must state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). One purpose for executive session is for public bodies to discuss, "strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." G.L. c. 30A, § 21(a)(3) ("Purpose 3").

While the Board's collective bargaining strategy discussion was appropriate for executive session, we find that the Board failed to publicly state "all subjects that may be revealed without compromising the purpose for which the executive session was called" at the time it entered into executive session. See G.L. c. 30A, § 21(b)(3).

Generally, public bodies must identify the collective bargaining unit with which they are negotiating on the public meeting notice and before entering into executive session under Purpose 3. See OML 2013-129; OML 2013-91; and OML 2015-87.

In violation of the Massachusetts Open Meeting Law, the Town of Sandwich Board of Selectmen failed to do this regarding the meeting and notice in question.

Additionally, the Board of Selectmen has also failed to review Executive Session minutes for public release on a regular basis as required by the OML.

Open, transparent and accountable government is of paramount importance. When a public body violates the Open Meeting Law as outlined above, it is detrimental to the public interest and a breach of the public trust.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

In a timely fashion, the public body should take immediate remedial action via seriously addressing and completely correcting the violations that have been pointed out. It should also take concrete measures to ensure that the stated OML violations do not occur again. The Executive Session meeting minutes should be immediately released to the public. Finally, all members of the public body and its staff should be mandated to undergo verifiable Open Meeting Law training within sixty (60) days.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

01/10/2019

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:

Town of Sandwich

THE OLDEST TOWN ON CAPE COD

130 MAIN STREET
SANDWICH, MA 02563

E-MAIL: selectmen@townofsandwich.net

E-MAIL: townhall@townofsandwich.net



BOARD OF
SELECTMEN

TOWN
MANAGER

TEL: 508-888-4910 AND 508-888-5144
FAX: 508-833-8045

BOARD OF SELECTMEN AGENDA

December 20, 2018 – 5:30 P.M.
Sandwich Town Hall – 130 Main Street

TOWN CLERK
TOWN OF SANDWICH

DEC 18 2018

9 H 30 M A M
RECEIVED & RECORDED

1. Convene Open Session in Auditorium
2. Executive Session – M.G.L. c.30A, §21(a) – The Chair declares that having an open session may have a detrimental effect upon the Town's bargaining, litigating, or negotiating position, as applicable.
 - Purpose #6: Acquisition, Valuation, Disposition & Lease of Real Property – Deacon Eldred House Lease; Potential Property Purchase & Disposition
 - Purpose #3: Collective Bargaining Strategy
3. Pledge of Allegiance
4. Review & Approval of Minutes – 11/29/18, 12/6/18
5. Public Forum (15 Minutes)
6. Town Manager Report
7. Correspondence / Statements / Announcements / Future Items / Follow-up (10 Minutes)
8. Staff Meeting
 - William Yates – Request to Site Temporary Trailer at 7 Nauset Street
 - 7:30 P.M. Public Hearing: Transfer of All Alcohol Common Victualler License from Sweet Tomatoes Inc. to Sweet Tomatoes LLC, 95 Tupper Road – Elysha Bemis, Owner & Manager
9. Old Business
 - Draft State & Federal Beach Renourishment & Erosion Prevention Letters
 - Selectmen Holiday & Spring Meeting Schedule
 - Other Matters Not Reasonably Anticipated by the Chairman
10. New Business
 - Recommended Appointment to Historic District Committee – Re-appoint Jackie Munsell & Amanda Sawyer as Alternates; Appoint Bill Collins as Alternate
 - Report on Any Approved Vendor & Payroll Warrants
 - Other Matters Not Reasonably Anticipated by the Chairman

Ulane M. Munsell 12/18/18